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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,544

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EXAMINER

MIAH, LITON

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/582,544	<b>Applicant(s)</b> MATSUHASHI, KEIICHI	
	<b>Examiner</b> LITON MIAH	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4,6,8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4,6,8 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/20/2010</u> .                                              | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office Action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 20, 2010 has been entered. **Claims 4, 6, 8 and 9** are still pending in the present application.

### ***Response to Arguments***

2. Applicant's arguments, filed on October 20, 2009, with respect to **claims 4, 6, 8 and 9** have been considered but are moot in view of the new ground(s) of rejection necessitated by the new limitations, ***"...the identification information not having information of a home site..."*** added to claim **4, 6, 8 and 9**. See the below rejection of claims **4, 6, 8 and 9** for the relevant citations found in Nguyen disclosing the newly cited limitations.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 4, 6, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chavez (US 5,550,896) in view of Nguyen (US 5,564,068).

**Regarding claim 4**, Chavez discloses a mobile communication system that allows access to a single directory information tree (e.g. network management systems, see Column 4, line 30 and item 115 in figure 1) from a plurality of directory servers (e.g. the mobility management application) corresponding to a plurality of sites in a mobile communication network, and comprises a plurality of authentication controllers (e.g. switching nodes, see Column 3, lines 14) provided in the respective sites for authenticating mobile communication terminals that request a service at each site, and wherein each of the plurality of authentication controllers comprises:

search request generation means that acquires identification information on a mobile communication terminal and generates a search request directed to the directory server when a request for a service is received from the mobile communication terminal;

search request transmission means that transmits the search request generated by the search request generation means to the directory server in the corresponding sites; and

authentication processing means that determines whether or not to permit provision of

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the service to the mobile communication terminal based on a search result acquired from the directory server (see Column 3, lines 6-26. Even though the feature of permission or denial of service based on search results is not explicitly mentioned, it is inherent in roaming systems as it allows the service provider to selectively provide the service based on their profile and initial selection of plans), and wherein each of the plurality of servers comprises: storage means that stores identification information given to mobile communication terminals for receiving a service, the mobile communication terminals being registered with the site corresponding to the directory server; identification information detection means that detects, from the storage means, the identification information on a mobile communication terminal specified in the search request from the authentication controller or in the search request redirected from a directory server corresponding to another site; search request redirection means that redirects the search request from the authentication controller or the search request redirected from the directory server corresponding to another side to a directory server located above or below (see Column 16, lines 6-13) in the directory information tree among the directory servers corresponding to other sites when the identification information on the mobile communication terminal is not detected by the identification information detection means; and search result provision means that provides a search result indicating success in detection of the identification information to the authentication controller when the identification information on the mobile communication terminal is detected in the other directory server to which the search request has been redirected by the search request redirection means, or in the

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identification information detection means, wherein the authentication processing means operates to determine to permit provision of the service to the mobile communication terminal when the search result indicating success in detection of the identification information on the mobile communication terminal is acquired from the directory server (see Column 3, lines 23-42 and claim 7) wherein each directory server comprises reference information storage means that stores address information on another directory server located above or below in the directory information tree (See claim 7, Column 22, line 9-19); and the search request redirection means operates to refer to the address information stored in the reference information storage means and to redirect the search request to the other directory server located above or below in the directory information tree (See claim 7, Column 21, line 53-59). Note that the communication and request messages for authentication between switching nodes entail that each switching nodes has addresses of others above or below in the hierarchy by which the communication is possible, thus this feature is inherent).

Chavez does not teach explicitly the identification information not having information of a home site. However, Nguyen teaches the identification information not having information of a home site (See abstract column 7 lines 37-50; where roaming without registering MSC, thus the identification information of home site is not needed since its not registering). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the limitations taught by Nguyen in Chavez's invention because in a roaming system, there is an interface function responsible for

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authenticating and deciding the provision or prohibition of service; so the service will not register when moving to different site.

**Regarding claims 6, 8, and 9**, Chavez teaches a mobile communication system that allows access to a single directory information tree having a hierarchical tree structure from a plurality of server apparatuses, wherein each of the plurality of server apparatuses comprises:

entry management means that stores entries in a directory provided in a subtree in the directory

information tree, an attribute value of each entry being identification information given to any one of the mobile communication terminals which are able to provide a service in a mobile communication network (See column 4, lines 62-65 and column 9, lines 16-39);

Identification information detection means that detects the identification information on a mobile communication terminal among the attribute values of the entries stored in the directory by the entry management means (column 15, lines 59-61);

Search request transmission means that transmits a predetermined search request to another server apparatus located above or below in the directory information tree when the identification information or the authentication information on the mobile communication terminal is not detected by the identification information detection means (See column 15, line 36 and lines 59-61);

and service provision control means that allows provision of the service to the mobile

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communication terminal when the identification information on the mobile communication terminal is detected in the other server apparatus to which the search request has been transmitted by the search request transmission means, or in the identification information detection means, and that prohibits provision of the service to the mobile communication terminal when no other server apparatus is located above or below in the directory information tree or when the identification information on the mobile communication terminal is not detected in the other server apparatus to which the search request has been transmitted by the search request transmission means (See column 15, line 27-29) wherein each server apparatus comprises reference information storage means that stores address information on another server apparatus located above or below in the directory information tree (See claim 7, Column 22, line 9-19); and wherein the search request transmission means operates to refer to the address information stored in the reference information storage means and to transmit the search request to the other server apparatus located above or below in the directory information tree (See claim 7, Column 21, line 53-59).

Chavez does not teach explicitly the identification information not having information of a home site. However, Nguyen teaches the identification information not having information of a home site (See abstract column 7 lines 37-50; where roaming without registering MSC, thus the identification information of home site is not needed since its not registering). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the limitations taught by Nguyen in Chavez's invention because in a roaming system, there is an interface function responsible for

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authenticating and deciding the provision or prohibition of service; so the service will not register when moving to different site.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LITON MIAH whose telephone number is (571)270-3124. The examiner can normally be reached on Monday through Friday 7:30am to 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571)272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LM

/Patrick N. Edouard/

Supervisory Patent Examiner, Art Unit 2617